

Message

From: Baca, Andrew (he/him/his) [Baca.Andrew@epa.gov]
Sent: 4/26/2023 2:30:01 PM
To: Terada, Calvin (he/him/his) [Terada.Calvin@epa.gov]; Sixkiller, Casey [Sixkiller.Casey@epa.gov]
CC: Fraser, Michelle [Fraser.michelle@epa.gov]; Hook, Abby [Hook.Abbey@epa.gov]; Wolfe, Jennifer [Wolfe.Jennifer@epa.gov]
Subject: FW: ETHIICS CONCERNS: Seattle Justice40rward Community Tours

Casey/Calvin,

Please see Justina's note about ethics concerns and recommendations for the May 6th WE ACT / DRCC event.

And I spoke with Robin yesterday and she is planning on attending the entire day on May 6th. She is aware of those portions that are open to the press and the public comment period on East Waterway.

Separately she will be coming to Park Place on May 5th to meet with Casey and we're setting her up with an office so she can conduct one call while she is here.

Andrew

From: Collin, Robin <Collin.Robin@epa.gov>
Sent: Wednesday, April 26, 2023 5:45 AM
To: Baca, Andrew (he/him/his) <Baca.Andrew@epa.gov>
Subject: FW: ETHIICS CONCERNS: Seattle Justice40rward Community Tours

Good morning Andrew,

FYSA: I am requesting a travel ethics form so that I can ride the bus. Casey may need to do the same.

From: Fugh, Justina (she/her/hers) <Fugh.Justina@epa.gov>
Sent: Tuesday, April 25, 2023 9:19 PM
To: Collin, Robin <Collin.Robin@epa.gov>; Tejada, Matthew (he/him/his) <Tejada.Matthew@epa.gov>
Cc: Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>
Subject: ETHIICS CONCERNS: Seattle and Oakland Justice40rward Community Tours

Hi there,

Just a reminder that I'm concerned about the ethics implications of this upcoming trip. Your staff set up a meeting with me for next week, but I want to remind you to be alert to the pitfalls. In order to accept the free transportation that is offered, among other things, you will need to submit ethics travel forms so that my office can accept these gifts. You can't accept them on your own. Also, if anyone in Region 10 is going along, then those people (e.g., Casey Sixkiller) will NOT even be able to ask us to accept the gift of free transportation because they are in local travel status. As I advised Yolanda Sanchez, who indicated that she is local to one of these cities, EPA must pay for the travel expenses. I'm worried that waiting until next week to have this meeting will be a problem.

Justina

Send general ethics questions to ethics@epa.gov and we will get back to you.

On Apr 18, 2023, at 1:38 PM, Fugh, Justina (she/her/hers) <Fugh.Justina@epa.gov> wrote:

Hi,

Thanks for sending along the entire itineraries because I see that, in addition to the free meals, you are also being offered free transportation for the site tours. Being transported by someone else as part of your official duty fits the definition of gift at [5 CFR 2635.203\(b\)](#). To remind, under the ethics rules, a gift includes “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. **It includes services as well as gifts of training, transportation, local travel, lodgings and meals**, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred (emphasis added).”

Set forth below is an analysis of the gifts identified from your email:

SEATTLE, WA				JUSTINA'S COMMENTS
Saturday, May 6	9 – 10 am	Federal Special Guest Breakfast	Sponsor?	<p>I need more information before providing an ethics determination. Who is sponsoring this meal? Will any EPA employee be speaking at this event? Does the sponsor intend to be “honoring” any federal employee? If so, then that’s an additional ethics issue to be resolved in advance.</p> <p>Robin is a political appointee, so she cannot accept any gift from a federally registered lobbyist. That’s why I need to know who the sponsor is.</p> <p>The likely remedy will be for EPA attendees to seek OGC/Ethics approval of this meal using the ethics travel acceptance form. This option is available only for EPA employees in travel status (not in local travel status) and must be approved by us in advance. But if travelers accept the meal, then they</p>

				must back out those meals from their per diem when filing their vouchers.
	12 – 1pm	Welcoming and lunch	Honor Mexicano sponsored lunch	I gather that no one is speaking at this event, so the remedy is for the EPA attendees to seek OGC/Ethics approval of this meal using the ethics travel acceptance form. Honor Mexicano is not a federally registered lobbyist. Again, this option is available only for EPA employees in travel status (not in local travel status) and must be approved by us in advance. But if travelers accept this meal, then they must back out those meals from their per diem when filing their vouchers.
	3:30 to 6:30 pm	Tour	Boat Transportation provided	You will have to submit the ethics travel form in order to accept the free transportation.
OAKLAND, CA				
Tuesday, May 9	8:30 to 10 am	Welcoming reception and breakfast	Communities for a Better Environment, Environmental Democracy Project	Neither of these sponsors is a federally registered lobbyist. So long as the EPA employees are in travel status, they can submit an ethics travel form for this meal but can't claim it on per diem.
	10 am to 1p m	Toxic tour	Transportation provided	You will have to submit the ethics travel form in order to accept the free transportation.
	1 to 2 pm	lunch	Sponsor?	Who is sponsoring this meal? Travelers will likely have to submit this meal on the ethics travel form.

If you are not already set up for access with the ethics travel form, then send a request to Jennie Keith. Each traveler must be given access separately. You will need to name your Deputy Ethics Official to review the forms, and that person is me. Please know, however, that Jennie is Ex. 6 Personal Privacy (PP) so she won't be able to get back with you until the end of the week.

Justina

Justina Fugh (she/her) | Director, Ethics Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 | phone 202-564-1786

Send general ethics questions to ethics@epa.gov and we will get back to you.

From: Sanchez, Yolanda <Sanchez.Yolanda@epa.gov>
Sent: Tuesday, April 18, 2023 9:58 AM
To: Fugh, Justina (she/her/hers) <Fugh.Justina@epa.gov>
Cc: Terrell, Piyachat <Terrell.Piyachat@epa.gov>
Subject: FW: Invite: Seattle and Oakland Justice40rward Community Tours

Justina,
Robin Collin and I are participating in two community-led all-day events in early May. The events include a hosted breakfast and lunch. Could we briefly discuss the best way to handle this from an ethics perspective that still allows the critical opportunity to engage with these important key stakeholders?

Yolanda Anita Sanchez (she/her)
US EPA, Office of Environmental Justice
Community Engagement and Assistance Division
Email: sanchez.yolanda@epa.gov
Phone: 602-856-0407

From: Naadiya Hutchinson (WE ACT) <naadiya.hutchinson@weact.org>
Sent: Thursday, March 30, 2023 4:22 PM
To: Collin, Robin <Collin.Robin@epa.gov>; Tejada, Matthew (he/him/his) <Tejada.Matthew@epa.gov>
Cc: Astrid DuBois (WE ACT) <astrid@weact.org>
Subject: Invite: Seattle and Oakland Justice40rward Community Tours

Dear Robin and Matthew,

We are at a critical inflection point for the Justice40 Initiative, and environmental justice communities are eager to see the transformative potential of the Justice40 initiative realized in our communities. **We cordially invite the White House Council on Environmental Quality to participate in our Justice 40rward Community Tour and Briefing in Seattle, Washington on Saturday, May 6th, followed by Oakland, California on Tuesday, May 9th.** The goal of this community tour will be to: raise awareness of Justice40 investments in the Infrastructure Investments and Jobs Act and Inflation Reduction Act; spotlight community advocacy and environmental justice leadership; and engage with city, county, state and federal officials to ensure IJIA/IRA Justice40 investments reach communities that need them most.

The Seattle tour is co-hosted by the Duwamish River Community Coalition, a local community based environmental Justice organization. The focus of the Seattle tour will be the legacy and current impacts of industry pollution on the Duwamish River and surrounding communities.

The Oakland tour is co-hosted by Communities for a Better Environment and the Environmental Democracy Project. The focus of the tour will be on legacy pollution, industrial development, and traffic related air pollution.

Programming for Seattle will be on Saturday, May 6th starting at 9am PST. Programming for Oakland will be on Tuesday, May 9th starting at 8:30am PST. A full agenda for both tour stops is attached with additional details.

Please confirm whether you or someone from the EPA Office of Environmental Justice will be able to attend by Tuesday, April 25th. We would greatly appreciate RSVP's through our respective survey links:

1. Seattle: <https://forms.gle/unUeiGaipS9Q8NRT7>
2. Oakland: <https://forms.gle/DN7sLd1VrcE6ykRi8>

If you are unable to attend, we would greatly appreciate the attendance of another Senior Official in your office. We are happy to answer any questions you may have or schedule a call to discuss this opportunity further.

Sincerely,

Naadiya Hutchinson, MHS | she/ella

Government Affairs Manager

Federal Policy Office

WE ACT for Environmental Justice | WE ACT por la Justicia Ambiental

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